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29 *Attorneys for the State of South Carolina*

30 **UNITED STATES DISTRICT COURT**
31 **DISTRICT OF NEVADA**

32 STATE OF NEVADA,

33 Case No.: 3:18-CV-00569-MMD-CBC

34 Plaintiff,

35 vs.

36 UNITED STATES, *et al.*,

37 Defendants,

38 STATE OF SOUTH CAROLINA,

39 Intervenor-Defendant.

40 **STIPULATION AND ORDER TO**
41 **DISMISS INTERVENOR-**
42 **DEFENDANT STATE OF SOUTH**
43 **CAROLINA**

1 Plaintiff STATE OF NEVADA (“Nevada”), Defendants UNITED STATES, UNITED
2 STATES DEPARTMENT OF ENERGY, RICK PERRY, in his official capacity as Secretary of
3 Energy, NATIONAL NUCLEAR SECURITY ADMINISTRATION, and LISA E. GORDON-
4 HAGERTY, in her official capacity as Administrator of the National Nuclear Security
5 Administration and Undersecretary of Nuclear Security (collectively “United States” or “DOE”)
6 and Intervenor-Defendant STATE OF SOUTH CAROLINA (“South Carolina”, and collectively
7 with Nevada and DOE, the “Parties”), by and through their respective attorneys state and stipulate
8 as follows:

9 1. Nevada filed this lawsuit on November 30, 2018 and simultaneously filed a
10 Motion for Preliminary Injunction. (ECF Nos. 1-2.)

11 2. On January 3, 2019, South Carolina filed an Emergency Motion to Intervene. (ECF
12 No. 25). The Court granted the Motion to Intervene on January 14, 2019. (ECF No. 36.) South
13 Carolina also filed a Motion to Transfer Venue in this matter to the U.S. District Court for the
14 State of South Carolina. (ECF No. 37.)

15 3. On January 17, 2019, the Court conducted an evidentiary hearing on Nevada’s
16 Motion for Preliminary Injunction. On January 30, 2019, the Court issued its Order Denying
17 Nevada’s Motion for Preliminary Injunction. (ECF No. 62 at 14.)

18 4. Nevada appealed the Court’s Order Denying the Motion for Preliminary
19 Injunction on February 4, 2019. (ECF No. 65.)

20 5. The Court denied South Carolina’s Motion to Transfer Venue as moot without
21 prejudice. (ECF No. 77.) The Court stayed all proceedings pending Nevada’s Ninth Circuit appeal
22 on April 30, 2019. (ECF No. 112.)

23 6. The Ninth Circuit dismissed Nevada’s appeal from the denial of its Motion for
24 Preliminary Injunction on August 13, 2019. (*See* Dkt No. 53, Case No. 19-15202.) The Court
25 lifted the district court stay on August 20, 2019. (ECF No. 118.)

7. Nevada moved for leave to amend its Complaint on August 30, 2019. (ECF No. 126.) The Court granted Nevada's request to amend, in part, on October 21, 2019. (ECF No. 136.) Nevada filed its Amended Complaint on October 23, 2019. (ECF No. 137.)

8. In light of Nevada's Amended Complaint and the relief and claims asserted therein and that such relief takes no position on the destination for the removed plutonium, South Carolina concedes that it does not currently have a significantly protectable interest relating to the property or transaction that is the subject of this case.

Accordingly, the Parties hereby stipulate and agree that South Carolina should be dismissed as an Intervenor-Defendant to this action without prejudice.

[SIGNATURE PAGE FOLLOWS]

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DATED this 6th day of December, 2019.

By: /s/ Jordan T. Smith
James J. Pisanelli., Bar No. 4027
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Attorneys for the State of Nevada

DATED this 6th day of December, 2019.

By: /s/ David L. Negri
Jean E. Williams
David L. Negri
U.S. Department of Justice
Environment & Natural Resources Div.
c/o U.S. Attorney's Office
800 Park Blvd., #600
Boise, Idaho 83712

Attorneys for the United States

DATED this 6th day of December, 2019.

By: /s/ Brian R. Irvine
John P. Desmond
Brian R. Irvine
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Reno, Nevada 89501

Attorneys for the State of South Carolina

ORDER

Pursuant to the foregoing stipulation by and between the Parties, and good cause appearing, IT IS HEREBY ORDERED that the State of South Carolina is DISMISSED as an Intervenor-Defendant to this action without prejudice.



UNITED STATES DISTRICT JUDGE

DATED: December 6, 2019